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W.P.No.17397 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2025

CORAM

THE HONOURABLE Mr.JUSTICE G. ARUL MURUGAN

W.P.No.17397 of 2025

K.Thameem Ansari

.. Petitioner

Vs.

1.The Regional Passport Officer
Regional Passport Office
Rayala Towers
No.2 and 3, IV Floor
Old No.785, 158, Anna Salai
Triplicane, Chennai 600 002

2.The Inspector of Police
H, R.K.Nagar Police Station
Ennore High Road
RK Nagar, Gopal Nagar
Old Washermanpet
Chennai 600 021

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the 1st respondent to consider the petitioner's application *vide* File No.MA2077335041125 dated 23.01.2025 and to issue passport to the petitioner in accordance with law within the time stipulated by this Hon'ble Court.



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W.P.No.17397 of 2025

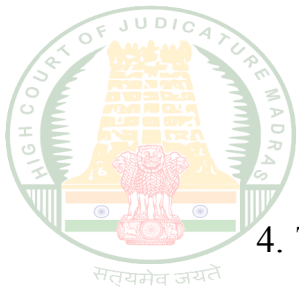
For Petitioner : Mr.T.Balaji
For 1st Respondent : Ms.A.Anuradha
Standing Counsel
For 2nd Respondent : Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This writ petition is filed seeking a direction to the 1st respondent to consider the petitioner's application dated 23.01.2025 seeking issuance of a fresh passport in File No.MA2077335041125.

2. It is the contention of the petitioner that he was issued with a passport in No.S4015752, which is valid up to 27.08.2028 and the said passport earlier issued to him since got damaged, he has applied for issuance of a fresh passport on 21.03.2025. However, while the verification was conducted, in view of the pendency of a criminal case on the file of the 2nd respondent in Crime No.1662 of 2015, the application of the petitioner was not entertained.

3. The learned counsel for the petitioner contends that the pendency of the criminal case will not be a bar for issuance of a passport.



W.P.No.17397 of 2025

4. The learned Standing Counsel appearing for the 1st respondent submitted that already this issue has been considered by a Division Bench of this Court in W.A.No.902 of 2023, wherein, a direction has been issued to consider the renewal application of passport without insisting on the permission from the Court where the case is pending and in the light of the same, similar order could be passed.

5. Heard the rival submissions and considered the materials available on record.

6. It is not in dispute that already the petitioner is issued with a passport which is valid up to 27.08.2028. Only since the passport got damaged, the petitioner has filed an application on 21.03.2025 seeking reissuance of passport. However, citing pendency of the registration of a criminal case in Crime No.1662 of 2015 on the file of the 2nd respondent, the petitioner's application has not been entertained. Similar issue has already been considered by a Division Bench of this Court in W.A.No.902 of 2023 and by judgment dated 02.06.2023, the Hon'ble Division Bench passed the following order :

“7.In the light of the above, we pass the following order:



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W.P.No.17397 of 2025

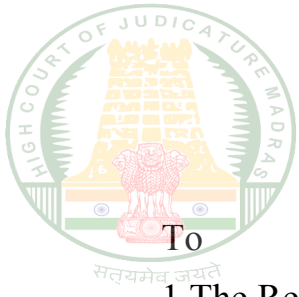
- i. *The writ appellant shall process the application of the 1st respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the 1st respondent. If the 1st respondent is travelling abroad, then the 1st respondent would be required to seek permission from the Court where the criminal case is pending.*
- ii. *Decision shall be taken as above, within one month.”*

7. Considering the facts and circumstances of the case, this Court directs the 1st respondent to consider the application for reissuance of passport to the petitioner without insisting on permission from the Court citing pendency of the criminal case and decide the same within a period of eight weeks from today. However, the petitioner intends to travel abroad, then, he shall seek permission from the Court concerned where the criminal case is pending.

With the above direction, this writ petition is disposed of. No costs.

09.05.2025

Index : Yes/No
Netural Citation : Yes/No
gya/kak



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G. ARUL MURUGAN, J.

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W.P.No.17397 of 2025

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